



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/665,251	09/19/2003	Paul Feucht	Uni.PA.001	6945
23444 7590 01/03/2007 ANDREWS & KURTH, L.L.P. 600 TRAVIS, SUITE 4200 HOUSTON, TX 77002			EXAMINER DAVIS, CASSANDRA HOPE	
			ART UNIT 3611	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		01/03/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/665,251

Applicant(s)

FEUCHT ET AL.

Examiner

Cassandra Davis

Art Unit

3611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 10 October 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 12-15 and 36-45 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 12-15 and 36-45 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This office action is in response to the amendment filed October 10, 2005.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 12-14, and 43-45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Toll, U. S. Patent 3,941,159 in view of Holland US 20020170727A1.

3. With respect to claims 21 and 43, Toll teaches an insulation assembly for tubular pipe comprising an elongated flexible, padded covering 16 removably attached to the length of pipe or the like and extending substantially around the outer diameter of pipe (see figures 1-2). The elongated flexible, padded covering 16 includes an outer layer 28 adhesively attached to a compressible insulation material/hollow core 18, wherein the insulation material 18 is formed of urethane foam. The outer

surface of the layer 28 is provided in different colors or otherwise decorated. (See column 2, lines 33-35). The decoration corresponds to the claimed advertisement.

4. Toll also teaches hook and loop fasteners or VELCRO® for securing the ends of the covering together.

5. Toll does not teach the covering removably attached to a flexible hose.

6. Holland teaches a protective cover comprising an elongated flexible, cover 20 removably attached to the length of conduit, hoses, or cables, wherein the hose can be a fuel hoses used in the airline industry. The cover is adapted to extend substantially around the outer diameter of hose. (See figure 1, 3 and 4). The elongated flexible cover 20 includes outer laminate 30 or 66 boned to the outer surface of the elongated sleeve 22 or 64.

7. It would have been obvious to one having ordinary skill in the art at the time this invention was made to construct the covering taught by Toll secured to a flexible hose as taught by Holland to provide a means to insulate and protect a flexible hose from damage due to weather or abrasion.

8. With respect to claim 13, neither Toll nor Holland teach the hollow core 18 having a diameter of about 1.5 inches. However, it would have been obvious to one having ordinary skill in the art at the time this invention was made to construct the diameter of the hollow core of the covering made by Toll and/or Holland of any suitable dimension to correspond to the dimension of the hose to which it is being attached.

9. With respect to claim 14, Toll teaches a slit between edges 24 and 26.

10. With respect to claim 44-45, Toll teaches hook and loop fasteners or VELCRO® for securing the covering around the pipe and Holland teaches hook and loop fasteners or zipper for securing the cover around a hose.

11. Claims 12-14, 36-38, 41, and 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maida, US 20040261879A1 in view of Toll.

12. With respect to claims 12, Maida teaches a removable pipe cover comprising an insulation material 36 having a radial seam 40 to facilitate wrapping the insulation around the pipes 32. Maida also teaches an insulation cover 12 wrapped around the insulation 36 and secured together by the interaction between the strip of hooks 22 and the strip of loops 24 or VELCRO®. Toll teaches compressible insulation material/hollow core 18,

wherein the insulation material 18 is formed of urethane foam. It would have been obvious to one having ordinary skill in the art at the time this invention was made to construct the insulation material of the cover taught by Maida of a foam material to provide means to protect the pipe/hose for damage and weather.

13. With respect to claims 13 and 38, neither Toll nor Maida teach the hollow core 18 having a diameter of about 1.5 inches. However, it would have been obvious to one having ordinary skill in the art at the time this invention was made to construct the diameter of the hollow core of the covering made by Toll and/or Maida of any suitable dimension to correspond to the dimension of the hose to which it is being attached.

14. With respect to claim 14, Toll teaches a slit between edges 24 and 26. Maida teaches a radial seam 40 to facilitate wrapping the insulation around the pipes 32.

15. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Maida in view of Toll as applied to claim 12 above, and further in view of Holland. Holland teaches the ends of the cover can be secured together using hook and loop fasteners/VELCRO® or zipper. Specifically, Holland teaches “[a]lternatively, and as those skill in the art will appreciate, other

types of fasteners or fastening material may substitute for VELCRO®.

These include, but are not limited to adhesive, bands, snaps, buttons, zippers, etc.” See paragraph 0022. It would have been obvious to one having ordinary skill in the art at the time this invention was made to construct the VELCRO® fastening means taught by Maida with a zipper as taught by Holland as an alternate fastener.

16. Claim 40 is rejected under 35 U.S.C. 103(a) as being unpatentable over Maida in view of Toll as applied to claim 36 above, and further in view of Ruiz (U. S. Patent No. 6,079,135). Ruiz shows in figures 1-3 a display that includes a reflective strip (7,14) on the cover. In view of the teachings of Ruiz it would have been obvious to one in the art to modify Maida and Toll by attaching a reflective strip to the cover since this would allow the cover to be seen in a better manner during low light conditions.

17. Claim 39 is rejected under 35 U.S.C. 103(a) as being unpatentable over Maida in view of Toll as applied to claim 36 above, and further in view of Durham (U.S. Patent 6763625). Durham teaches cover assembly for tubular member comprising an elongated flexible, padded covering 16 removably attached to the length of tubular member and extending substantially around the outer diameter of tubular member. The elongated

flexible, padded covering 10 includes an outer layer 12 adhesively attached to a foam pad 16. The outer surface of the layer 12 is provided with a transparent pocket 22 to removably receive printed material. It would have been obvious to one having ordinary skill in the art at the time this invention was made to construct the decoration on the device taught by Toll with a pocket as taught by Durham to provide a means to selectively change the decoration when desired.

Claim Rejections - 35 USC § 102

18. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the

prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

19. Claims 43-45 are rejected under 35 U.S.C. 102(e) as being anticipated by Huber et al., U. S. Patent 8,086,422.

20. Huber et al. teaches an insulation sheathing body 1 for a gas hose comprising an elongated flexible, padded covering 9 removably attached to the length of hose and extending substantially around the outer diameter of hose (see figure 5). The elongated flexible, padded covering 9 includes outer layer 8 adhesively attached to insulating substrate 9, wherein the insulating substrate 9 is formed of foam plastic. (See column 5, lines 13-23). The outer surface of the layer 8 corresponds to the display surface for advertising.

21. With respect to claim 44-45, Huber teaches VELCRO® for releasably securing the edges together around the hose.

Response to Arguments

22. Applicant's arguments with respect to claims 12, 36, and 43 have been considered but are moot in view of the new ground(s) of rejection.

23. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE**

FINAL. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cassandra Davis whose telephone number is 571-272-6642. The examiner can normally be reached on Monday-Friday 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on 571-272-6651.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Cassandra Davis
Primary Examiner
Art Unit 3611

CD
December 19, 2006